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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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			3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/149,650

**Applicant(s)**

SCHUTZ, JARED P.

**Examiner**

Timothy M. Harbeck

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-325 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-325 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

### *Double Patenting*

**Claims 41-42** are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 40. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

**Claims 45 and 46** are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 44. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

**Claims 119** are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 101. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is

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proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

There are other double patenting problems associated with claims that depend from the aforementioned claims. Applicant is advised to review the entire claim set for such errors and make the appropriate corrections.

### ***Claim Objections***

**Claim 8** is rejected objected to because of the following informalities: Claim 8 refers to “the message” of claim 6. However there is no reference of a message in claim 6 or any of the claims from which it depends. The examiner believes that the claim is meant to depend from claim 7 and has been examined under this assumption. Appropriate correction is required.

**Claim 9** is objected to because of the following informalities: Claim 9 refers to “the sheet” of claim 7. However there is no reference of a sheet in claim 7 or any of the claims from which it depends. Applicant has referenced a sheet in claim 5, however claim 9 is not dependent from claim 5. Examiner believes that applicant intended to use similar language as in claim 5 to indicate the presence of a new limitation of “a sheet” and the application has been examined under this assumption. Appropriate correction is required.

Any claims that are dependent from the aforementioned claims are also objected to due to the same rationale. Applicant is advised to review the entire claim set for such errors and make the appropriate corrections.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 37** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant is claiming a shipped product produced by the process of claim 1, however it is unclear to the examiner what product, if any, is being produced by the method. It appears that the product is already in existence and not created via the process. Clarification is required for any future examination.

Any claims that are dependent from the aforementioned claims are also rejected to due to the same rationale. Applicant is advised to review the entire claim set for such errors and make the appropriate corrections.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 10-19, 26-34, 37-42, 47-51, 57-66, 73-81, 84-86, 92-101, 108-116, 119-123, 140-143, 145-156, 162-171, 178-186, 189-193, 198, 199-201, 207-216, 223-231, 234-236, 242-251, 258-266, 269-272, 278-287, 294-302, 305-310 and 315 are

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rejected under 35 U.S.C. 103(a) as being unpatentable over Rifkin (Glenn Rifkin.

"Shopping for Groceries on Line." New York Times. (Late Edition (East Coast)). New York, N.Y.: Jun 14, 1997, pg. 1.37 (5 pages).

**Re Claim 1:** Rifkin discloses a method for using an order center apparatus to ship a product the method including the steps of:

- Producing signals representing a packing list for an order of the product (page 2, paragraphs 10-11) with the order center apparatus, located at an order center (page 3, paragraph 6 "When that system is operating..."), the order center apparatus including a computer having a programmed processor (Page 2 paragraph 11)
- Receiving the signals representing the packing list at a distribution center located separately from the order center (page 3, paragraph 7)

The references do not explicitly disclose the steps of:

- Assigning waybill shipping information signals to the order with a shipping apparatus including a digital computer
- Linking, by digital communication, the signals representing the packing list with the waybill shipping information signals
- Printing the packing list at the printer device
- Shipping the product specified by the packing list, in accordance with the waybill shipping information signals from the distribution center.

However it is clear and obvious to anyone skilled in the ordinary art at the time of invention that these features are implicitly a part of the Rifkin method. With regards to

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the waybill shipping information, a customer using the method disclosed by Rifkin places an order for groceries via an online network. This order is received by a transaction server as a packing order, which forwards it to a separate distribution center (page 3, paragraphs 6-7). The order is filled at the distribution center at which point it is shipped and delivered to the customer (page 2, paragraphs 12-13). The method must somehow determine the shipping address and furthermore forward this information to the distribution center since this is the hub from which orders are shipped. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include (or have a way of linking) the waybill shipping information of the customer to the packing order so that it can be delivered to the appropriate address. If this information were not inherently present in the Rifkin method, then the distribution center would have no way of determining where to send the order after it is filled.

While Rifkin does not explicitly disclose printing a hard copy of the packing list, the method does disclose that the order is sent from the transaction server to handheld electronic devices at the distribution center (page 3, paragraph 7). In addition to saving paper, this is more efficient than the printing step in that it eliminates the time associated with printing. However, it would have been obvious to anyone skilled in the ordinary art at the time of invention to include a printed portion of the order as a simple replacement for the digital representation of the printed page on the handheld electronic device. Printing from a computer device is an old and well-known method and could easily be incorporated into the method of Rifkin if preferable, even though it would most likely make the process less efficient. One might be motivated to include a printed copy

should the electronic network collapse there would be a back up copy of the orders so that they can be filled in the meantime.

**Re Claim 2:** Rifkin discloses the claimed method supra and further discloses the step of:

- Receiving a customized component at the order center apparatus, from an ordering system and wherein (each grocery list is customized according to the user and furthermore the user can request a delivery location and give the delivery person a code for the garage at the bottom of page 2);
- The step of linking includes linking the signals representing the packing list with the signals representing the customized component.
- The step of receiving includes receiving the signals representing the customized component at the printer device
- The step of printing includes printing the customized component along with the packing list and a shipping label at the printing device
- The step of shipping is carried out by shipping the customized component along with the product from the distribution center

Again these steps would be inherent in the method in order for the groceries to be placed in the specific location, there must be a way to receive and further link these customized features with the order and provide them to the delivery person. With regards to the printing of the information, the same argument holds as previously stated in the rejection of claim 1. A hard copy could easily be printed from the handheld device



if so desired, however the device could hold and store all the necessary information and be carried with the delivery person in order to carry out the intended result.

**Re Claim 3:** Rifkin discloses the claimed method supra but does not explicitly disclose wherein the step of producing signals representing a packing list and said step of printing the packing list are carried out by using flowers as the product. However it was old and well known in the art at the time of invention for grocery stores to have a florist department. Therefore it would have been obvious to anyone skilled in the ordinary art at the time of invention that a customer ordering from a grocery store would be able to order flowers as a product using this method. Furthermore Rifkin discloses that groceries are not the only use for the method but users can also utilize the system to “pick up and return dry cleaning, drop off and retrieve rental videos and perform other suburban errands.” It would have been obvious to anyone skilled in the ordinary art at the time of invention that going to the florist constitutes a “suburban errand” as many people visit florists every day.

**Re Claim 4:** Rifkin discloses the claimed method supra but does not explicitly disclose the step further comprising growing the flowers at the distribution center. However Rifkin does note that an eventual goal of the system is to eliminate the number of times a product changes hands in the distribution process in order to save time and money (page 2, paragraph 7). It would have been obvious to anyone skilled in the ordinary art to grow the flowers at the distribution center this would eliminate certain links in the distribution chain and make the process more economically and time efficient by omitting unnecessary steps along the way.

**Re Claim 10:** Rifkin discloses the claimed method supra but does not explicitly disclose wherein the step of assigning the waybill shipping information signals includes dynamically assigning the shipping information through a TCP/IP connection. Rifkin does disclose that the method used by Shoplink utilizes an online network (See Abstract, 3<sup>rd</sup> paragraph). It would have been obvious to anyone skilled in the ordinary art to include a TCP/IP connection was notoriously well known in the art for use in communications over online network would have provided the user with a familiar protocol from which to use the method.

**Re Claim 11:** Rifkin discloses the claimed method supra and further discloses including the step of translating some of the signals at the order center apparatus to produce the signals representing the packing list and the shipping list signals in one digital format (Page 3, Paragraph 6)

**Re Claim 12:** Rifkin discloses the claimed method supra and further discloses wherein the step of printing is carried out with the printing device being a fax machine and further including the step of connecting the fax machine to a communication system for receiving of the signals representing the packing list and for receiving the shipping information signals (Page 3, Paragraph 11).

**Re Claim 13 and 14:** Rifkin discloses the claimed method supra but does not explicitly disclose wherein the step of connecting includes connecting an open end network gateway to a remote fax server and connecting the remote fax server to the fax machine and connecting a remote fax server with a fax modem in a local calling area of the distribution center and connecting the fax modem to the fax machine. However

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these would have been obvious to anyone skilled in the ordinary art as this is how fax machines are connected in practice and this method is old and well known to anyone who has connected a fax machine.

**Re Claim 15:** Rifkin discloses the claimed method supra but does not explicitly disclose the steps of:

- Associating an order code with said order
- Obtaining shipping status information from the shipping apparatus and;
- Associating the order code with the shipping apparatus information at a machine-readable site having a network gateway address in facilitating access by an ordering system, including a computer, to determine the shipping status associated with the order.

However, the practice of associating an order code with an order is an old and well known practice and would have been obvious to anyone skilled in the ordinary art at the time of invention as a way to efficiently store and keep track of pending and shipped orders. Furthermore, as previously noted in the rejection of claim 1, the disclosed method must somehow determine the shipping address associated with a particular order so that the correct order is sent to the appropriate destination. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include a way to associate a order code with the shipping information of the customer so that the order can be delivered to the right place. If this information were not inherently present in the Rifkin method, then the distribution center would have no way of determining which order to send to which destination.

Furthermore, any delivery system keeps a record of the status of the deliveries, whether they are pending, en route or completed in order to settle potential disputes and locate misplaced orders. It would have been obvious to anyone skilled in the ordinary art to include shipping status information to the method so that any errors in the shipping of the order (i.e. orders not shipped or shipped to the wrong place) can be quickly identified and corrective action quickly applied.

**Re Claim 16:** Rifkin discloses the claimed method supra but does not explicitly disclose wherein said step of shipping includes shipping the product in packaging displaying a network address to facilitate an electronic communication from an ordering system, including a computer to the order center apparatus. However this step would be obvious to anyone skilled in the ordinary art as a means to assist in the tracking of a shipped order. Rifkin notes the potential for expansion to eight regional distributions connected to the same ordering center (page 3, paragraph 3). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include this feature to the method of Rifkin so that if a package were to be misdirected, having a network address on the shipped package would assist in the eventual recovery and re-routing of the order to the proper location.

**Re Claim 17:** Rifkin discloses the claimed method supra but does not explicitly disclose the step of connecting an order system including a computer to a network gateway and connecting the network gateway to the order center apparatus. However Rifkin notes the potential for expansion to eight regional distributions connected to the same ordering center (page 3, paragraph 3). This would mean that the order center

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was sending and receiving information from 8 different distribution centers as well as the customer outlets. Utilizing a gateway is an old and well-known method to connect many networks utilizing different protocols and would have been obvious to anyone skilled in the ordinary art as a way to provide a medium for communications between distinct networks.

**Re Claim 18:** Rifkin discloses the claimed method supra and further discloses the step of receiving the ordering information at the order center by telephone (Page 3, paragraph 11). While not explicitly stating that this information is entered as input data to the order center apparatus in producing signals representing the packing list, since Rifkin discloses that the order is eventually sent to a hand-held device, the information must have at some point been converted to electrical signals.

**Re Claim 19:** Rifkin discloses the claimed method supra but does not explicitly disclose the step of producing the product at the distribution center. However, Rifkin notes that the goal of the method, on the whole is to limit the links in the supply chain from producer to customer in order to save money and make the service more profitable (Page 2, paragraph 7). The limit of this factor, and the optimal method would be to produce the product at the distribution center, eliminating all the intermediate steps and then shipping said product to the customer. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include this feature to the method of Rifkin as an ultimate way of eliminating links in the supply chain and saving the most time and money possible.

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**Re Claims 26-34:** These claims contain the same limitations as previously rejected claims 10-18 respectively and are therefore rejected using the same art and rationale.

**Re Claim 37:** Rifkin discloses the claimed method supra and further discloses a combination including a shipped product (groceries) produced by the process.

**Re Claim 38:** Rifkin discloses a method for using an order center apparatus to ship a product, the method including the steps of:

- Receiving an order from a web site at the order center apparatus located at an order center, the order center apparatus including a computer having a processor (Page 2, Paragraph 11)
- Controlling the processor with a computer program to produce signals representing a packing list for the order (page 2, paragraphs 10-11)

Rifkin does not explicitly disclose the steps of

- Receiving a waybill tracking number from a shipping system including a computer;
- Associating signals representing the waybill tracking number with said signals representing the order;
- Locating a printer device at a distribution center separate from the order center and separate from the shipping system
- Printing the packing list at the printer device from the signals representing the packing list and

- Locating the article of manufacture on the packing list packaging for product identified by the packing list in packaging for courier shipment from the distribution center according to a waybill corresponding to the waybill tracking number

However it is clear and obvious to anyone skilled in the ordinary art at the time of invention that these features are implicitly a part of the Rifkin method. With regards to the waybill shipping information, a customer using the method disclosed by Rifkin places an order for groceries via an online network. This order is received by a transaction server as a packing order, which forwards it to a separate distribution center (page 3, paragraphs 6-7). The order is filled at the distribution center at which point it is shipped and delivered to the customer (page 2, paragraphs 12-13). The method must somehow determine the shipping address and furthermore forward this information to the distribution center since this is the hub from which orders are shipped. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include (or have a way of linking) the waybill shipping information of the customer to the packing order so that it can be delivered to the appropriate address. If this information were not inherently present in the Rifkin method, then the distribution center would have no way of determining where to send the order after it is filled.

While Rifkin does not explicitly disclose printing a hard copy of the packing list, the method does disclose that the order is sent from the transaction server to handheld electronic devices at the distribution center (page 3, paragraph 7). In addition to saving paper, this is more efficient than the printing step in that it eliminates the time

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associated with printing. However, it would have been obvious to anyone skilled in the ordinary art at the time of invention to include a printed portion of the order as a simple replacement for the digital representation of the printed page on the handheld electronic device. Printing from a computer device is an old and well-known method and could easily be incorporated into the method of Rifkin if preferable, even though it would most likely make the process less efficient. One might be motivated to include a printed copy should the electronic network collapse there would be a back up copy of the orders so that they can be filled in the meantime.

**Re Claim 39:** Rifkin discloses a method for using an order center apparatus to ship a product the method including the steps of:

- Providing the order center apparatus including a computer having a processor controlled by a computer program in producing output signals representing a packing list for an order of the product (Page 2, paragraph 10-11)
- Connecting the order center apparatus to a communication system including the internet for transmitting signals representing the packing list (page 2 paragraph 10-11 and page 3, paragraph 6-7)
- Connecting the shipping system to a communications system including the Internet for transmitting the electrical signals representing the waybill shipping information signals (Page 2, paragraph 10-11)

Rifkin does not explicitly disclose the steps of:



- Producing waybill shipping information signals at a shipping system including a computer
- Linking the signals representing the order with the signals representing the waybill shipping information
- Locating a printer device linked to the communication system at a distribution center separate from the ordering center and separate from the shipping system;
- Receiving signals representing the packing list at the printer device
- Receiving signals representing the waybill shipping information signals at the printer device;
- Printing a waybill at the printer from the waybill shipping information signals;
- Printing a packing list from the signals representing the packing list; and
- Shipping the product specified by the packing list, according to the waybill, from the distribution center

However it is clear and obvious to anyone skilled in the ordinary art at the time of invention that these features are implicitly a part of the Rifkin method. With regards to the waybill shipping information, a customer using the method disclosed by Rifkin places an order for groceries via an online network. This order is received by a transaction server as a packing order, which forwards it to a separate distribution center (page 3, paragraphs 6-7). The order is filled at the distribution center at which point it is shipped and delivered to the customer (page 2, paragraphs 12-13). The method must

somehow determine the shipping address and furthermore forward this information to the distribution center since this is the hub from which orders are shipped. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include (or have a way of linking) the waybill shipping information of the customer to the packing order so that it can be delivered to the appropriate address. If this information were not inherently present in the Rifkin method, then the distribution center would have no way of determining where to send the order after it is filled.

While Rifkin does not explicitly disclose printing a hard copy of the packing list, the method does disclose that the order is sent from the transaction server to handheld electronic devices at the distribution center (page 3, paragraph 7). In addition to saving paper, this is more efficient than the printing step in that it eliminates the time associated with printing. However, it would have been obvious to anyone skilled in the ordinary art at the time of invention to include a printed portion of the order as a simple replacement for the digital representation of the printed page on the handheld electronic device. Printing from a computer device is an old and well-known method and could easily be incorporated into the method of Rifkin if preferable, even though it would most likely make the process less efficient. One might be motivated to include a printed copy should the electronic network collapse there would be a back up copy of the orders so that they can be filled in the meantime.

**Re Claim 40:** Rifkin discloses the claimed method and further discloses wherein any one of the steps of assigning shipping information signals, linking by digital communication, and receiving the signals representing the packing list is carried out by

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communication over the Internet (Page 2, paragraph 11 “online network” and Page 3, paragraph 11 “world wide web”).

**Re Claims 41 and 42:** These claims are duplicates of previously rejected claim 40 (See Double Patenting Objections) and are therefore rejected using the same art and rationale.

**Re Claim 47:** Rifkin discloses a method for using an order center apparatus to implement a delivery customized and fulfilled just for a recipient, the method including the steps of:

- Producing output electrical signals representing an order including a list of necessary intermediaries for a delivery customized and fulfilled just for a recipient (page 2, paragraph 12-13; customized delivery) at an order center apparatus located at an order center (page 2, paragraph 6) to change input digital electrical signals received from an Internet web page (page 3, paragraph 11) into the digital output electrical signals the order center apparatus including a computer having a processor, the processor controlled by a computer program;
- Making a delivery customized and fulfilled just for the recipient as specified by the list from the distribution center (page 2 paragraph 12-13, specific instructions for delivery)

Rifkin does not explicitly disclose the steps wherein

- The order is a flower arrangement

- Assigning waybill tracking information signals to the order
- Linking by digital communication the signals representing the list with the waybill tracking information signals
- Communicating the signals representing the list to a printer device at a distribution center located remotely from the order center and

However it is clear and obvious to anyone skilled in the ordinary art at the time of invention that these features are implicitly a part of the Rifkin method. With regards to the waybill shipping information, a customer using the method disclosed by Rifkin places an order for groceries via an online network. This order is received by a transaction server as a packing order, which forwards it to a separate distribution center (page 3, paragraphs 6-7). The order is filled at the distribution center at which point it is shipped and delivered to the customer (page 2, paragraphs 12-13). The method must somehow determine the shipping address and furthermore forward this information to the distribution center since this is the hub from which orders are shipped. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include (or have a way of linking) the waybill shipping information of the customer to the packing order so that it can be delivered to the appropriate address. If this information were not inherently present in the Rifkin method, then the distribution center would have no way of determining where to send the order after it is filled.

While Rifkin does not explicitly disclose printing a hard copy of the packing list, the method does disclose that the order is sent from the transaction server to handheld electronic devices at the distribution center (page 3, paragraph 7). In addition to saving

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paper, this is more efficient than the printing step in that it eliminates the time associated with printing. However, it would have been obvious to anyone skilled in the ordinary art at the time of invention to include a printed portion of the order as a simple replacement for the digital representation of the printed page on the handheld electronic device. Printing from a computer device is an old and well-known method and could easily be incorporated into the method of Rifkin if preferable, even though it would most likely make the process less efficient. One might be motivated to include a printed copy should the electronic network collapse there would be a back up copy of the orders so that they can be filled in the meantime.

Furthermore, it was old and well known in the art at the time of invention for grocery stores to have a florist department. Therefore it would have been obvious to anyone skilled in the ordinary art at the time of invention that a customer ordering from a grocery store would be able to order flowers as a product using this method. Furthermore Rifkin discloses that groceries are not the only use for the method but users can also utilize the system to “pick up and return dry cleaning, drop off and retrieve rental videos and perform other suburban errands.” It would have been obvious to anyone skilled in the ordinary art at the time of invention that going to the florist constitutes a “suburban errand” as many people visit florists every day.

**Re Claims 49-51, 57-66, 73-81:** Rifkin discloses the claimed method supra and further discloses wherein any two of the steps of assigning shipping information signals, linking by digital communication and receiving the signals representing the packing list is carried out by communicating over the internet (page 3, paragraphs 6-7 and 11-12)

**Re Claims 84-86, 92-101 and 108-116:** Rifkin discloses the claimed method supra and further discloses wherein all the steps of assigning shipping information signals, linking by digital communication and receiving the signals representing the packing list is carried out by communicating over the internet (page 3, paragraphs 6-7 and 11-12):

**Re Claim 119:** Substantial duplicate of claim 1 and is therefore rejected using the same art and rationale.

**Re Claim 120:** This claim is the same as claim 38 with the additional limitation of making the product. Rifkin further discloses making the product, as the “product” can be defined as the completed packing list containing the requested groceries. Furthermore, Rifkin discloses that a goal of the system would be to eliminate as many supply chain links as possible to save time and money and following that logic, physically making the product at the distribution center would achieve this goal.

**Re Claim 121:** This claim is the same as claim 39 with the additional limitation of producing the product. Rifkin further discloses producing the product, as the “product” can be defined as the completed packing list containing the requested groceries. Furthermore, Rifkin discloses that a goal of the system would be to eliminate as many supply chain links as possible to save time and money and following that logic, physically producing the product at the distribution center would achieve this goal.

**Re Claim 122:** This claim is the same as claim 43 with the additional limitation of making the product. Rifkin further discloses making the product, as the “product” can be defined as the completed packing list containing the requested groceries.

Furthermore, Rifkin discloses that a goal of the system would be to eliminate as many supply chain links as possible to save time and money and following that logic, physically making the product at the distribution center would achieve this goal.

**Re Claim 123:** This claim is the same as claim 47 with the additional limitation of making the product. Rifkin further discloses making the product, as the “product” can be defined as the completed packing list containing the requested groceries.

Furthermore, Rifkin discloses that a goal of the system would be to eliminate as many supply chain links as possible to save time and money and following that logic, physically making the product at the distribution center would achieve this goal.

**Re Claims 140-143 and 145-152:** Rifkin discloses the claimed method *surpa* and further discloses the step of receiving the ordering information at the order center by telephone (Page 3, paragraph 11). While not explicitly stating that this information is entered as input data to the order center apparatus in producing signals representing the packing list, since Rifkin discloses that the order is eventually sent to a hand-held device, the information must have at some point been converted to electrical signals.

**Re Claims 48, 153-156, 162-171, 178-186, 189-193, 198, 199-201, 207-216, 223-231, 234-236, 242-251, 258-266:** Rifkin discloses the claimed method *supra* but does not explicitly disclose the step of communicating an email confirmation of the order, however this step has been known for years to anyone skilled in the ordinary art and would have been obvious so that a customer has a record of the order and can provide necessary information should there be an error down the line in the execution.

**Re Claims 269-272, 278-287, 294-302, 305-310 and 315:** Rifkin discloses the claimed method supra and while not explicitly disclosing the step of providing order tracking and delivery information over the Internet, this step has been known and used for years by anyone skilled in the ordinary art at the time of invention and would have been obvious to include as a way to monitor the delivery of the product. In this way if there is an error in shipping and delivery it can be located and corrective action can be taken.

Claims 5-6, 20-21, 52-53, 66-67, 87-88, 102-103 157-158, 172-173, 202-203, 216-217, 237-238, 252-253, 273-274, 288-289, 317-320 and 323-325 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rifkin further in view of Boggs et al (hereinafter Boggs US 5,348,780).

**Re Claim 5 and 6:** Rifkin discloses the claimed method supra but does not explicitly disclose wherein the step of printing includes printing on a sheet in the printer device; and further including the step of locating demarcations on the sheet for detaching a shipping label from the packing list at the demarcations and further including the step of locating the perforations on the sheet for detaching a shipping label from the packing list at the perforations



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Boggs discloses a multipurpose label construction wherein a label is printed on a sheet (Fig 5, Ref 44) and includes demarcations on the sheet for detaching a shipping label from the packing list at the demarcations (See Fig 1 and Column 4, lines 25-43)

It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the printed label of Boggs to the method of Rifkin so that all the relevant information relating to an order (shipping information, packing information, customized information) is contained in a single document and will not be separated until desired. If this information were contained in separate printed documents it is conceivable that a portion could be lost and the order could not either be filled or delivered properly. Once a the distribution center has filled the order and everything is correct, then the information regarding the packing and shipping can be separated if so desired.

**Re Claims 20 and 21:** These claims contain similar limitations to previously rejected claims 5 and 6 above and are therefore rejected using the same art and rationale.

**Re Claims 52-53 and 66-67:** Rifkin in view of Boggs discloses the claimed method supra and further discloses wherein any two of the steps of assigning shipping information signals, linking by digital communication and receiving the signals representing the packing list is carried out by communicating over the internet (page 3, paragraphs 6-7 and 11-12)

**Re Claims 87-88 and 102-103:** Rifkin in view of Boggs discloses the claimed method supra and further discloses wherein all the steps of assigning shipping

information signals, linking by digital communication and receiving the signals representing the packing list is carried out by communicating over the internet (page 3, paragraphs 6-7 and 11-12)

**Re Claims 157-158, 172-173, 202-203, 216-217, 237-238, 252-253:** Rifkin in view of Boggs discloses the claimed method supra but does not explicitly disclose the step of communicating an email confirmation of the order, however this step has been known for years to anyone skilled in the ordinary art and would have been obvious so that a customer has a record of the order and can provide necessary information should there be an error down the line in the execution.

**Re Claims 273-274, 288-289:** Rifkin in view of Boggs discloses the claimed method supra and while not explicitly disclosing the step of providing order tracking and delivery information over the Internet, this step has been known and used for years by anyone skilled in the ordinary art at the time of invention and would have been obvious to include as a way to monitor the delivery of the product. In this way if there is an error in shipping and delivery it can be located and corrective action can be taken.

**Re Claim 317:** Rifkin discloses a method for processing a product order comprising:

- At an order processing center computer
- Receiving customer order data identifying a product to be shipped to a recipient address (Page 2, Paragraphs 10-11)
- Determining the packing list based on the customer data (page 3, paragraph 6)

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- Electronically transmitting the integrated shipping record from the order processing center to a remotely located distribution center (page 3, paragraph 6);

Rifkin does not explicitly disclose the step of

- Combining the shipping waybill data with the packing list data to form an integrated shipping record;
- At the distribution center;
- Printing the integrated shipping record to allow separation of waybill and packing list components to facilitate shipping of the product specified by the packing list component in accordance with the waybill component

Boggs discloses a multipurpose label construction wherein a label is printed on a sheet (Fig 5, Ref 44) and includes demarcations on the sheet for detaching a shipping label from the packing list at the demarcations (See Fig 1 and Column 4, lines 25-43) It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the printed label of Boggs to the method of Rifkin so that all the relevant information relating to an order (shipping information, packing information, customized information) is contained in a single document and will not be separated until desired. If this information were contained in separate printed documents it is conceivable that a portion could be lost and the order could not either be filled or delivered properly. Once a the distribution center has filled the order and everything is correct, then the information regarding the packing and shipping can be separated if so desired.

**Re Claim 318:** Rifkin in view of Boggs discloses the claimed method supra but does not explicitly disclose wherein the data transmitted to the courier computer system further comprises an origination address and shipping cost determination. However these two things are notoriously well known in the art to anyone of ordinary skill and would have been obvious to include so that the courier could have a way to correspond with the originator of the package should there be any problems (i.e. delivery could not be made, improper address, person not home) and have a record of how the shipping cost was determined in case the appropriate costs have not been paid.

**Re Claim 319-320:** Rifkin in view of Boggs discloses the claimed method supra but does not explicitly disclose wherein the shipping cost determination data comprises product weight data wherein this determination is made by consulting a database storing records associating products with weight, however the weight of the product being shipped has for years factored into the shipping cost of a product and would have been obvious to include to anyone skilled in the ordinary art. Heavier products are much more difficult to ship and will therefore cost more than lighter ones. Furthermore containing a database of records associating products with weights would be obvious as a way to save time and money by estimating the weight (and therefore cost) by using previously measured like items, instead of having to weigh each package individually.

**Re Claim 323:** Rifkin in view of Boggs discloses the claimed method supra but does not explicitly disclose the step of transmitting an order confirmation comprising a tracking number derived from the shipping waybill, however this step was notoriously well known in the art at the time of invention and would have been obvious to anyone of

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ordinary skill as a way for the customer or courier to track the delivery of a package and communicate efficiently with one another if there is an error in the delivery (i.e. wrong address) and make corrective actions.

**Re Claim 324:** Rifkin in view of Boggs discloses the claimed method supra and while not explicitly disclosing wherein the product to be shipped comprises fresh flowers, Rifkin does disclose that products are groceries and it is well known in the art for grocery stores to have a florist department with fresh flowers. Furthermore the method of Rifkin can be used for "suburban errands" (top of page 3) which would obviously include a florist shop to anyone skilled in the ordinary art.

**Re Claim 325:** Rifkin in view of Boggs discloses the claimed method supra and while not explicitly disclosing the step wherein the distribution center is co-located with a fresh flower production facility providing a supply of fresh flowers for shipping, Rifkin does disclose that products are groceries and it is well known in the art for grocery stores to have a florist department with fresh flowers and furthermore Rifkin states that a goal of the method is to eliminate as many links in the supply chain as possible to save time and money (page 2, paragraph 7). It would have been obvious then to anyone of ordinary skill in the art at the time of invention to include this step to the method of Rifkin in view of Boggs to save time and money by producing the product in the same location as the distribution center.

Claim 7-8, 22-23, 25, 43-46, 54-55, 69-70, 72, 89-90, 104-105, 107, 144, 159-160, 174-175, 177, 194-197, 204-205, 219-220, 239-240, 254-255, 275-276, 290-291,

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293, and 311-314 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rifkin as applied to claim 3 above, and further in view of Cannon et al (hereinafter Cannon US PAT 5,552,994).

**Re Claim 7:** Rifkin discloses the claimed method 3 but does not explicitly disclose the steps of:

- Receiving a message at the order center apparatus from an ordering system including a computer, said message from a user of the ordering system to a recipient of the flowers; and wherein
- The step of linking the signals representing the packaging list with signals representing the message and
- The step of printing includes printing the message along with the packing list and a shipping label at the printing device at the distribution center; and
- The step of shipping is carried out by shipping the message along with the product from the distribution center

Cannon discloses a system for printing social expression cards in response to electronically transmitted orders. In this system a user can access a database of cards online and customize a card with an individual message that can then be ordered for printing at a printing center (Column 4, lines 60-67). At the printing center, the system provides a card printing system which prints mailing address that have been submitted along with the card by the user (Column 5, lines 31-35). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include these features to the

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method of Rifkin so that a user can submit a personalized message to a recipient of the gifted flowers. Flowers are often times purchased with the intention of gifting them to a third party and a card with the giftor's name and a personalized message have long been known to accompany such a gift. Furthermore, supermarkets, like the ones disclosed by Rifkin usually have a "greeting card isle" and it would be obvious then for this isle to be present in any online shopping forum so that a customer could simply order the 2 items so that they are on the same packing list. Since the card and flowers are complimentary it would further be obvious to link these two purchases (via the packing list) so that they be delivered at the same time to the appropriate address on the shipping label.

**Re Claim 8:** Rifkin in view of Cannon discloses the claimed method supra and Cannon further discloses wherein the step of printing includes printing the message at the printing device on a greeting card having preprinted artwork (Column 2, lines 6-11).

**Re Claim 22:** Rifkin discloses the claimed method supra and further discloses the step of:

- Receiving signals representing a customized component at the order center apparatus, from an ordering system including a computer and wherein (each grocery list is customized according to the user and furthermore the user can request a delivery location and give the delivery person a code for the garage at the bottom of page 2);
- The step of linking includes linking the signals representing the packing list with the signals representing the customized component.

- The step of printing includes printing the customized component along with the packing list and a shipping label at the printing device
- The step of shipping is carried out by shipping the customized component along with the product from the distribution center

Again these steps would be inherent in the method in order for the groceries to be placed in the specific location, there must be a way to receive and further link these customized features with the order and provide them to the delivery person. With regards to the printing of the information, the same argument holds as previously stated in the rejection of claim 1. A hard copy could easily be printed from the handheld device if so desired, however the device could hold and store all the necessary information and be carried with the delivery person in order to carry out the intended result.

Rifkin does not disclose the step wherein the customized component is a message from a user of the ordering system to a recipient of the product however as was the case with previously rejected claim 7 if a person utilizing the order system intended to ship the order as a gift, then a customized message would be appropriate (see flowers example). Cannon discloses a system for printing social expression cards in response to electronically transmitted orders. In this system a user can access a database of cards online and customize a card with an individual message that can then be ordered for printing at a printing center (Column 4, lines 60-67). At the printing center, the system provides a card printing system which prints mailing address that have been submitted along with the card by the user (Column 5, lines 31-35). It would have been obvious to anyone skilled in the ordinary art at the time of invention to



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include these features to the method of Rifkin so that a user can submit a personalized message to a recipient of the gifted flowers. Flowers are often times purchased with the intention of gifting them to a third party and a card with the giftor's name and a personalized message have long been known to accompany such a gift. Furthermore, supermarkets, like the ones disclosed by Rifkin usually have a "greeting card isle" and it would be obvious then for this isle to be present in any online shopping forum so that a customer could simply order the 2 items so that they are on the same packing list. Since the card and flowers are complimentary it would further be obvious to link these two purchases (via the packing list) so that they be delivered at the same time to the appropriate address on the shipping label.

**Re Claim 23:** Rifkin in view of Cannon discloses the claimed method supra and Cannon further discloses wherein the step of printing the customized component includes printing the message at the distribution center (Column 4, lines 60-67).

**Re Claim 25:** Rifkin in view of Cannon discloses the claimed method supra and Cannon further discloses wherein the step of printing the customized element includes printing a graphical element as part of the customized component (Fig 19, Ref 73)

**Re Claim 43:** Rifkin discloses a method for using an order center apparatus to enable shipping a product including the steps of:

- Connecting a website to an order center apparatus including a processor controlled by a computer to carry out the steps of (page 2, paragraph 10-11)

Rifkin does not explicitly disclose the steps of

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- Specifying a gift and the user composed greeting message with an ordering system including a computer connected to a website;
- Linking electronic signals representing the gift with the user composed greeting message in communicating over the Internet for receipt by the recipient;
- Controlling the shipping of the gift to the recipient by obtaining shipping waybill data from a shipping apparatus and
- Linking signals representing the order with the signals representing the waybill shipping data

Cannon discloses a system for printing social expression cards in response to electronically transmitted orders. In this system a user can access a database of cards online and customize a card with an individual message that can then be ordered for printing at a printing center (Column 4, lines 60-67). At the printing center, the system provides a card printing system which prints mailing address that have been submitted along with the card by the user (Column 5, lines 31-35). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include these features to the method of Rifkin so that a user can submit a personalized message to a recipient of the gifted flowers. Flowers are often times purchased with the intention of gifting them to a third party and a card with the giftor's name and a personalized message have long been known to accompany such a gift. Furthermore, supermarkets, like the ones disclosed by Rifkin usually have a "greeting card isle" and it would be obvious then for this isle to be present in any online shopping forum so that a customer could simply

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order the 2 items so that they are on the same packing list. Since the card and flowers are complimentary it would further be obvious to link these two purchases (via the packing list) so that they be delivered at the same time to the appropriate address on the shipping label.

**Re Claim 44:** Rifkin in view of Cannon discloses the claimed method supra but do not explicitly disclose wherein communicating the user-composed greeting message is carried out by using Blue-Mountain type greeting card and a graphical element. However, Blue Mountain greeting cards were well known in the art at the time of invention and would have been obvious to include in any method utilizing web-based greeting cards. Furthermore, Cannon disclose what could be described as Blue Mountain "type" greeting cards for use in the method (see abstract)

**Re Claims 45-46:** These claims are duplicates of claim 44 and are therefore rejected using the same art and rationale.

**Re Claims 54-55, 69-70 and 72:** Rifkin in view of Cannon discloses the claimed method supra and further discloses wherein any two of the steps of assigning shipping information signals, linking by digital communication and receiving the signals representing the packing list is carried out by communicating over the internet (page 3, paragraphs 6-7 and 11-12)

**Re Claims 89-90, 104-105 and 107:** Rifkin in view of Cannon discloses the claimed method supra and further discloses wherein all the steps of assigning shipping information signals, linking by digital communication and receiving the signals

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representing the packing list is carried out by communicating over the internet (page 3, paragraphs 6-7 and 11-12)

**Re Claim 144:** Rifkin in view of Cannon discloses the claimed method supra and Rifkin further discloses the step of receiving the ordering information at the order center by telephone (Page 3, paragraph 11). While not explicitly stating that this information is entered as input data to the order center apparatus in producing signals representing the packing list, since Rifkin discloses that the order is eventually sent to a hand-held device, the information must have at some point been converted to electrical signals.

**Re Claims 159-160, 174-175, 177, 194-197, 204-205, 219-220, 239-240, 254-255:** Rifkin in view of Cannon discloses the claimed method supra but does not explicitly disclose the step of communicating an email confirmation of the order, however this step has been known for years to anyone skilled in the ordinary art and would have been obvious so that a customer has a record of the order and can provide necessary information should there be an error down the line in the execution.

**Re Claims 275-276, 290-291, 293, and 311-314:** Rifkin in view of Cannon discloses the claimed method supra and while not explicitly disclosing the step of providing order tracking and delivery information over the Internet, this step has been known and used for years by anyone skilled in the ordinary art at the time of invention and would have been obvious to include as a way to monitor the delivery of the product. In this way if there is an error in shipping and delivery it can be located and corrective action can be taken.

Claims 9, 24, 56, 71, 91, 106, 161, 176, 206, 221, 241, 256, 277 and 292 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rifkin in view of Cannon as applied to claim 7 above, and further in view of Boggs.

**Re Claim 9:** Rifkin in view of Cannon discloses the claimed method supra but does not explicitly disclose wherein the step of printing is carried out with the sheet including a greeting card having a preprinted artwork and demarcations for detaching the greeting card; and wherein the step of shipping includes separating the packaging list and the greeting card at the demarcations.

Boggs discloses a multipurpose label construction wherein a label is printed on a sheet (Fig 5, Ref 44) and includes demarcations on the sheet for detaching a shipping label from the packing list at the demarcations (See Fig 1 and Column 4, lines 25-43)

It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the printed label of Boggs to the method of Rifkin in view of Cannon so that all the relevant information relating to an order (shipping information, packing information, customized information) is contained in a single document and will not be separated until desired. If this information were contained in separate printed documents it is conceivable that a portion could be lost and the order could not either be filled or delivered properly. Once a the distribution center has filled the order and everything is correct, then the information regarding the packing and shipping can be separated so that a recipient can receive the product and the message card without

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seeing the packing list which would contain private information of the giftor such as their account number or the price of the gifted item.

**Re Claim 24:** Claim 24 recites similar limitations to previously rejected claim 9 above and is therefore rejected using the same art and rationale. Cannon has disclosed the addition of the customized message in the rejection of claim 22 and all other limitations are the same.

**Re Claims 56 and 71:** Rifkin / Cannon / Boggs discloses the claimed method supra and further discloses wherein any two of the steps of assigning shipping information signals, linking by digital communication and receiving the signals representing the packing list is carried out by communicating over the internet (page 3, paragraphs 6-7 and 11-12)

**Re Claims 91 and 106:** Rifkin / Cannon / Boggs discloses the claimed method supra and further discloses wherein all the steps of assigning shipping information signals, linking by digital communication and receiving the signals representing the packing list is carried out by communicating over the internet (page 3, paragraphs 6-7 and 11-12)

**Re Claims 161, 176, 206, 221, 241, 256:** Rifkin in view of Cannon in view of Boggs discloses the claimed method supra but does not explicitly disclose the step of communicating an email confirmation of the order, however this step has been known for years to anyone skilled in the ordinary art and would have been obvious so that a customer has a record of the order and can provide necessary information should there be an error down the line in the execution.

**Re Claims 277 and 292:** Rifkin in view of Cannon in view of Boggs discloses the claimed method supra and while not explicitly disclosing the step of providing order tracking and delivery information over the Internet, this step has been known and used for years by anyone skilled in the ordinary art at the time of invention and would have been obvious to include as a way to monitor the delivery of the product. In this way if there is an error in shipping and delivery it can be located and corrective action can be taken.

Claims 35-36, 82-83, 117-118, 124-135, 137, 139, 303 and 304 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rifkin as applied to claim 1 above, and further in view of Scott (Bonnie Scott. "Online grocery shopping won't empty aisles yet but has potential." Austin American Statesman. Austin, Tex.: Jun, 1998. pg D.6.).

**Re Claim 35:** Rifkin discloses the claimed method supra but does not explicitly disclose the step of:

- Prior to carrying out the step of shipping the product, verifying availability on a charge card to pay for the product with an electrical communication from the order center apparatus to a charge card system, including a computer; and
- Subsequent to carrying out the step of shipping the product, sending a second electronic communication to the charge card system to obtain payment for the product

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Scott discloses the use of credit cards for payment over the network when purchasing groceries online at Shoplink.com that is the same entity cited by Rifkin. While not going into detail about checking for funds and subsequently sending payment, these steps are common and have been known and used for sometime with regards to credit card payment. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Scott to the method of Rifkin so that a customer could easily and efficiently utilize a charge card to pay for the service, and the order center has means to both verify funds and actively transfer said funds once the order is shipped.

**Re Claim 36:** Rifkin in view of Scott discloses the claimed method supra but does not explicitly disclose the steps of:

- Scanning a shipping label to obtain scanning data;
- Transmitting the scanning data to trigger the step of sending a second electronic communication

However it is well known in the art and would be obvious to anyone skilled in the ordinary art at the time of invention to include these steps as a way to associate an order about to be shipped with a particular account so that the funds can be transferred to the shipping entity. Companies for years have acquired payment upon shipping of the product and scanning a shipping label would indicate that the product is ready to be shipped and also associate that order with a particular customer. That customer's account would then be debited and the order shipped to the appropriate destination.



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**Re Claims 82-83:** Rifkin in view of Scott discloses the claimed method supra and further discloses wherein any two of the steps of assigning shipping information signals, linking by digital communication and receiving the signals representing the packing list is carried out by communicating over the internet (page 3, paragraphs 6-7 and 11-12)

**Re Claims 117-118:** Rifkin discloses the claimed method supra and further discloses wherein all the steps of assigning shipping information signals, linking by digital communication and receiving the signals representing the packing list is carried out by communicating over the internet (page 3, paragraphs 6-7 and 11-12)

**Re Claims 124-135, 137 and 139:** Rifkin discloses the claimed method supra but does not explicitly disclose the step of:

- Prior to carrying out the step of shipping the product, verifying availability on a charge card to pay for the product with an electrical communication from the order center apparatus to a charge card system, including a computer; and
- Subsequent to carrying out the step of shipping the product, sending a second electronic communication to the charge card system to obtain payment for the product

Scott discloses the use of credit cards for payment over the network when purchasing groceries online at Shoplink.com that is the same entity cited by Rifkin. While not going into detail about checking for funds and subsequently sending payment, these steps are common and have been known and used for sometime with regards to

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credit card payment. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Scott to the method of Rifkin so that a customer could easily and efficiently utilize a charge card to pay for the service, and the order center has means to both verify funds and actively transfer said funds once the order is shipped.

**Re Claims 152-153, 232-233, 267-268:** Rifkin in view of Scott discloses the claimed method supra but does not explicitly disclose the step of communicating an email confirmation of the order, however this step has been known for years to anyone skilled in the ordinary art and would have been obvious so that a customer has a record of the order and can provide necessary information should there be an error down the line in the execution.

**Re Claims 303 and 304:** Rifkin in view of Cannon discloses the claimed method supra and while not explicitly disclosing the step of providing order tracking and delivery information over the Internet, this step has been known and used for years by anyone skilled in the ordinary art at the time of invention and would have been obvious to include as a way to monitor the delivery of the product. In this way if there is an error in shipping and delivery it can be located and corrective action can be taken.

Claims 136 and 138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rifkin in view of Cannon as applied to claim 7 above, and further in view of Scott.

**Re Claims 7 and 22:** Rifkin in view of Cannon discloses the claimed method supra but does not explicitly disclose the step of:

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- Prior to carrying out the step of shipping the product, verifying availability on a charge card to pay for the product with an electrical communication from the order center apparatus to a charge card system, including a computer; and
- Subsequent to carrying out the step of shipping the product, sending a second electronic communication to the charge card system to obtain payment for the product

Scott discloses the use of credit cards for payment over the network when purchasing groceries online at Shoplink.com that is the same entity cited by Rifkin. While not going into detail about checking for funds and subsequently sending payment, these steps are common and have been known and used for sometime with regards to credit card payment. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Scott to the method of Rifkin so that a customer could easily and efficiently utilize a charge card to pay for the service, and the order center has means to both verify funds and actively transfer said funds once the order is shipped.

Claims 321-322 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rifkin in view of Boggs as applied to claim 317 above, and further in view of Cannon.

**Re Claim 321:** Rifkin in view of Boggs discloses the claimed method supra but does not explicitly disclose the step wherein the customer order data further comprises data representing a customized message directed to the recipient

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- Combining to form an integrated shipping record further comprises combining the data representing the customized message with the waybill data and the product list data;
- Printing the integrated shipping record further comprises printing the customized message on a media to be included in packaging shipped to the recipient

Cannon discloses a system for printing social expression cards in response to electronically transmitted orders. In this system a user can access a database of cards online and customize a card with an individual message that can then be ordered for printing at a printing center (Column 4, lines 60-67). At the printing center, the system provides a card printing system which prints mailing address that have been submitted along with the card by the user (Column 5, lines 31-35). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include these features to the method of Rifkin so that a user can submit a personalized message to a recipient. Furthermore it would have been obvious to include the message with the shipping record so that all the relevant documents (shipping, contents, messages) will be contained in a single document and will not be separated.

**Re Claim 322:** Rifkin in view of Boggs in view of Cannon discloses the claimed method supra and Cannon further discloses wherein the media comprises a gift card (see abstract).

***Response to Arguments***

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Applicant's arguments with respect to claims 1-325 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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